

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

FILED

August 24, 1998

Cecil W. Crowson
Appellate Court Clerk

JOHN ANDERSON KINARD,)
)
Plaintiff/Appellee,) Rutherford Chancery
) No. 94DR-318
VS.)
) Appeal No.
LINDA KINARD,) 01A01-9606-CH-00265
)
Defendant/Appellant.)

ORDER ON PETITIONS FOR REHEARING

Both parties have filed petitions for rehearing in accordance with Tenn. R. App. P. 39. John Anderson Kinard requests that this case be remanded to enable the trial court to reconsider the value of certain marital assets and to make adjustments to the division of the marital estate and the award for spousal support. Linda Kinard requests that this court reinstate Mr. Kinard's pendente lite obligation to maintain a \$150,000 life insurance policy to ensure that his spousal support obligation would be met in the event of his death.

Based upon our consideration of the petitions, our earlier opinion, and the entire record on appeal, we have determined that Mr. Kinard's petition for rehearing should be denied. While we did not overlook the trial court's award of the existing Equitable Life Insurance Policy to Mr. Kinard, we have determined that our August 5, 1998 opinion should be modified to provide that Ms. Kinard is entitled, at her option, either to spousal support in the amount of \$2,000 per month with no continuing interest in Mr. Kinard's Equitable Life Insurance Policy or to spousal support in the amount of \$1,800 per month along with Mr. Kinard's continuing obligation to maintain the Equitable Life Insurance Policy in effect in order to secure the payment of his spousal support obligation. Ms. Kinard shall file with the trial court her written election between these two spousal support options on or before October 5, 1998.

It is, therefore, ordered, adjudged, and decreed that Mr. Kinard's petition for rehearing be and is hereby denied. It is further ordered that Ms. Kinard's petition for rehearing be granted and that this court's August 5, 1998 opinion be modified in accordance with this order.

HENRY F. TODD, PRESIDING JUDGE
MIDDLE SECTION

BEN H. CANTRELL, JUDGE

WILLIAM C. KOCH, JR., JUDGE